

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

BENJAMIN HAYNES COLLINS,

Petitioner,

File No. 1:08-cv-369

v.

HON. ROBERT HOLMES BELL

MARY BERGHUIS,

Respondent.

_____ /

**ORDER APPROVING AND ADOPTING
MAGISTRATE JUDGE’S REPORT AND RECOMMENDATION**

On August 22, 2011, Magistrate Judge Joseph G. Scoville issued a Report and Recommendation (“R&R”) recommending that Petitioner’s habeas corpus petition be denied. (Dkt. No. 19.) No objections have been filed, and the deadline for doing so has expired.¹ The Court has reviewed the matter and concludes that the R&R correctly analyzes the issues and makes a sound recommendation. Accordingly,

IT IS HEREBY ORDERED that the August 22, 2011, R&R (Dkt. No. 19) is **APPROVED** and **ADOPTED** as the opinion of the Court.

¹The Court’s electronic docket indicates that the Magistrate Judge’s R&R was sent to Petitioner at his place of incarceration via U.S. Mail, but that the document was returned to the Court marked “parole/probation.” (Dkt. No. 20.) The Sixth Circuit has held that parole of a prisoner does not invalidate a petition for habeas corpus filed during the prisoner’s incarceration. *Abela v. Martin*, 380 F.3d 915, 921 (6th Cir. 2004). However, it is Petitioner’s responsibility to keep the Court apprised of his mailing address.

IT IS FURTHER ORDERED that Petitioner's petition for writ of habeas corpus (Dkt. No. 1) is **DENIED**.

Dated: September 15, 2011

/s/ Robert Holmes Bell
ROBERT HOLMES BELL
UNITED STATES DISTRICT JUDGE